

On January 12, 2020 the Director of OWCP filed a motion requesting the Board to set aside the June 9, 2020 decision and remand the case to OWCP for further development. The Director indicated that it was unclear whether appellant was on an authorized break in order to place something in her vehicle when she slipped and fell on ice in the parking lot “managed” by the employing establishment. The Director acknowledged that the injury occurred on the employing establishment’s premises, in the parking lot, and during her fixed working hours. However, the Director noted that it was unclear “whether appellant’s conduct was incidental to her employment, and thus whether [she] was in the performance of duty when she was injured in the [employing establishment’s] parking lot.” The Director stated that, on remand, OWCP would request clarification and additional evidence on whether appellant was in the performance duty when she fell, such as was she on an authorized break and what item(s) she was returning to her vehicle.

The Director concluded that, after further development of the claim, OWCP shall issue a *de novo* decision under the Federal Employees' Compensation Act.¹

The Clerk of the Appellate Boards served appellant with a copy of the Director's motion to remand. No response was received.

The Board has duly considered the matter and concludes that, for all of the reasons espoused by the Director in the motion to remand, said motion should be granted. Accordingly,

IT IS HEREBY ORDERED THAT the motion to remand filed by the Director of the Office of Workers' Compensation Programs is granted. OWCP's decision dated June 9, 2020 is set aside and the case is remanded to OWCP for proceedings consistent with this order of the Board. The July 28, 2020 decision of Office of Workers' Compensation Programs is set aside as moot.

Issued: May 17, 2022
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

¹ 5 U.S.C. § 8101 *et seq.*